



TESTIMONY

CHILD POLICY
CIVIL JUSTICE
EDUCATION
ENERGY AND ENVIRONMENT
HEALTH AND HEALTH CARE
INTERNATIONAL AFFAIRS
NATIONAL SECURITY
POPULATION AND AGING
PUBLIC SAFETY
SCIENCE AND TECHNOLOGY
SUBSTANCE ABUSE
TERRORISM AND
HOMELAND SECURITY
TRANSPORTATION AND
INFRASTRUCTURE

This PDF document was made available from www.rand.org as a public service of the RAND Corporation.

[Jump down to document ▼](#)

The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world.

Support RAND

[Browse Books & Publications](#)

[Make a charitable contribution](#)

For More Information

Visit RAND at www.rand.org

Explore [RAND Testimony](#)

View [document details](#)

Limited Electronic Distribution Rights

This document and trademark(s) contained herein are protected by law as indicated in a notice appearing later in this work. This electronic representation of RAND intellectual property is provided for non-commercial use only. Permission is required from RAND to reproduce, or reuse in another form, any of our research documents for commercial use.

Report Documentation Page			Form Approved OMB No. 0704-0188		
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE JAN 2005		2. REPORT TYPE		3. DATES COVERED 00-00-2005 to 00-00-2005	
4. TITLE AND SUBTITLE The Department of Homeland Security. The Road Ahead			5a. CONTRACT NUMBER		
			5b. GRANT NUMBER		
			5c. PROGRAM ELEMENT NUMBER		
6. AUTHOR(S)			5d. PROJECT NUMBER		
			5e. TASK NUMBER		
			5f. WORK UNIT NUMBER		
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Rand Corporation,1776 Main Street,PO Box 2138,Santa Monica,CA,90407-2138			8. PERFORMING ORGANIZATION REPORT NUMBER		
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)			10. SPONSOR/MONITOR'S ACRONYM(S)		
			11. SPONSOR/MONITOR'S REPORT NUMBER(S)		
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES The original document contains color images.					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES 22	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

TESTIMONY

The Department of Homeland Security

The Road Ahead

MICHAEL A. WERMUTH

CT-233

January 2005

Testimony presented to the Senate Committee on Homeland Security and
Governmental Affairs on January 26, 2005

This product is part of the RAND Corporation testimony series. RAND testimonies record testimony presented by RAND associates to federal, state, or local legislative committees; government-appointed commissions and panels; and private review and oversight bodies. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors. RAND® is a registered trademark.



Published 2005 by the RAND Corporation
1776 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138
1200 South Hayes Street, Arlington, VA 22202-5050
201 North Craig Street, Suite 202, Pittsburgh, PA 15213-1516

RAND URL: <http://www.rand.org/>

To order RAND documents or to obtain additional information, contact
Distribution Services: Telephone: (310) 451-7002;
Fax: (310) 451-6915; Email: order@rand.org

**Statement of Michael A. Wermuth¹
Director, Homeland Security
The RAND Corporation**

**Before the Committee on Homeland Security and Governmental Affairs
United States Senate**

January 26, 2005

Madam Chair, Mr. Ranking Member, and distinguished Committee Members, thank you for giving me the opportunity to appear before you today, to address the important issue of ways to improve the security of our homeland.

My remarks today will be informed in great measure by relevant and comprehensive research and analysis conducted by the RAND Corporation over many years. It includes the major areas of research and analysis to support the deliberations and recommendations of the congressionally mandated Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (also known as the “Gilmore Commission”)², over the course of its five annual reports to the President and the Congress from 1999 to 2004. My remarks are also based on significant research on related matters for the White House Office of Homeland Security, the Department of Homeland Security, the Department of Justice (including the Federal Bureau of Investigation), numerous entities within the Department of Defense, various agencies of the Intelligence Community, the Department of State, the Department of Health and Human Services, the Department of Energy, the Department of Transportation, and several other federal departments and agencies. It likewise includes related

¹ The opinions and conclusions expressed in this testimony are the author’s alone and should not be interpreted as representing those of RAND or any of the sponsors of its research. This product is part of the RAND Corporation testimony series. RAND testimonies record testimony presented by RAND associates to federal, state, or local legislative committees; government-appointed commissions and panels; and private review and oversight bodies. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND’s publications do not necessarily reflect the opinions of its research clients and sponsors.

² Established by Section 1405 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105–261 (H.R. 3616, 105th Congress, 2nd Session)(October 17, 1998), as amended.

research and analysis for various agencies of the State of California, the State of Georgia, the City of New York City, other State and local entities, as well as research commissioned by private foundations and others.

In addition—as you may well imagine—I also have some opinions on current issues for which there may not be current or related RAND research. I will do my best to separate evidence supported by our extensive research and “opinion” evidence.

Please let me also acknowledge the key leadership of the Chair and Ranking Member on these issues, not only your instrumental role in the passage of the Homeland Security Act of 2002, and the Collins-Lieberman Intelligence Reform and Terrorism Prevention Act, signed by the President just a little over a month ago, but on numerous other related legislative initiatives. Few others on either side of Capitol Hill can claim anything like the level of dedication and commitment you have shown in securing our homeland.

You have asked that this testimony address the primary management challenges faced by the Department of Homeland Security (DHS) and to describe those challenges as they have impacted the Department’s efforts on border security, transportation security, emergency preparedness and response, and intelligence. Within the context of those functional areas, I will discuss six critical challenges facing DHS. Four of them are issues that DHS itself will have a strong role in resolving; two are challenges that DHS cannot directly control and instead must call on the President and the Congress for assistance. The first challenge is the lack of robust strategic planning and analysis capabilities in the Department. This deficiency is clearly revealed in the context of border and transportation security and in other areas as well. The second major challenge is the lack of performance metrics and the inability to tell what works and what doesn’t. Though this problem applies broadly across the Department, today I will

illustrate its impact in the realm of transportation security. The third challenge is the structure of the organization, both internally and as it relates to other organizations. Again, although this problem applies broadly across the Department, I will demonstrate the impact in only a couple of areas. The fourth problem is intelligence, as it relates to the fulfillment of the DHS operational mission, from the standpoint both of what DHS does internally and from the part external actors must play in the intelligence process. The last two are almost entirely “external” to DHS and have to do with both obligations and some missed opportunities in areas of strategic guidance and oversight on the part of the White House and the Congress.

Border Security

It is my personal opinion that perhaps the greatest advances made in homeland security after September 11, 2001, are in the border security arena. Clearly, much remains to be done. The structures and processes already in place have added in a measurable way to the attempts to prevent those who would seek to do us harm from entering or remaining in the United States. But much remains to be done. This remains a very complicated arena and security in and of itself cannot be the only consideration.

Our border security efforts have significant and direct impact not only on our own domestic economy but on the global economy. There are significant diplomatic, political, and societal implications to be considered. The staging, sequencing, and enforcement methods at our borders require a broader, more holistic view of the problem.

As one cogent example, in our global economy, the U.S. is dependent on a variety of supply chains of goods and resources from all over the world, one that was not created with security at its core. Those supply chains involve major interests at several different levels—various government agencies (domestic and international); the global transportation and

communications networks; and suppliers, marketers, and users in many parts of the chains as well as the significant movement of people in connection with those supply chains. There is, as yet, no comprehensive approach to address all the various aspects of supply chains not only in security terms, but also the impacts that security or the lack thereof can have on economies, diplomacy, governmental stability, societal well-being, and much more. RAND has recently completed and published a report entitled *Evaluating the Security of the Global Containerized Supply Chain*, which reflects in its analysis of that issue the need for a more holistic approach to the entire spectrum of supply chain matters. We ask that this report be part of the record of today's hearing.

To support strategic, holistic approaches to such issues, we are in full agreement with others who have made similar recommendations that the department needs a robust capability to engage in long-range strategic thinking leading to the refinement or development of strategies, policies, and implementation plans—on a department-wide basis—rather than the somewhat fragmented approach that currently exists. We would suggest that the entity be an Under Secretariat for Policy *and* Planning to make it clear that its responsibilities include both important and different functions. We know that current senior leaders in DHS favor such a change and that there is fairly broad support for that proposition on the Hill.

The importance of long-range strategic planning cannot be overemphasized. As we get better with security at the designated official points of entry, we will push terrorists and other criminal enterprises to unregulated points—areas that are by their geophysical nature difficult to regulate. But we must have a system in place to consider these second-order effects and develop plans that are flexible to meet changing threats.

We have been asked to comment on recommendations for organizational changes in the border security structures, such as the merger of bureaus for Customs and Border Protection (CBP) and Immigrations and Customs Enforcement (ICE). Madam Chair and Members, it may not be the answer others are looking for, but we are not yet convinced that such a move is necessarily indicated and would be more effective. That opinion is based on a long history of doing organizational research and analysis for numerous government clients. Consider, if you will, that CBP and ICE do in fact have fairly disparate functions. CBP is the entity that, through its inspectors, performs ministerial—albeit important ministerial—functions leading up to and at our border points of entry. Those functions include the routine check of advance passenger manifests, passports, and visas as well as the review of advance cargo manifests for determination and collections of customs duties and fees as well as the identification of potential contraband. ICE on the other hand performs, through its investigators—sworn federal “1811” officers—critical law enforcement functions to identify, through a variety of sources, those who would attempt to circumvent customs or immigration requirements or otherwise break U.S. laws—for example, the importation of illegal drugs and other contraband—and often in cooperation with other agencies arrest perpetrators and seize illegal goods. Given those different functions, a good argument can be made that the skills required for the performance of those separate tasks require different recruiting, retention, training, performance evaluation, operational procedures, and other related activities. It could be that rushing into such a change without further study—comprehensive analysis of all the issues, structures, and dynamics involved—will not result in the intended consequences of more efficient and effective border security. There are some useful analogies. One is a military parallel: combat units are different than combat support and combat service support units. The skill sets and therefore the training

and personnel systems are different. Another example worth considering is the fact that, many years ago, Congress decided to create a Drug Enforcement Administration—separate from other federal law enforcement agencies—in order to focus on that critical activity. That is not to say that, even for the military or DEA, such different types of commands or agencies are not required to maintain close coordination with counterpart organizations; surely they must. And the same holds true for CBP and ICE. But for this issue and other major reorganization recommendations, contained in reports such as the Heritage Foundation-Center for Strategic and International Studies joint report “DHS 2.0” and others, we advise against making some of those dramatic changes without further and comprehensive analysis of the impact.

Madam Chair and Members, I know what I am suggesting is hard work but it is important work that should be done.

Transportation Security

As is the case for border security, in the area of transportation security, there must, and we argue can be, more holistic approaches that cut across old bureaucratic lines and various missions and functions.

We believe that it is essential to move more toward a “risk management” approach to decisionmaking, including better prioritization for resource allocation and the development of future strategies, plans, and programs based on that risk management approach. Again this is why we support the creation of an Under Secretariat for Policy and Planning.

A case in point is the roles and missions of the Transportation Security Administration (TSA). TSA should be tasked only for operational missions and not policy development, other than those purely internal TSA policies required to perform its operational missions.

Transportation security writ large is broader than just TSA and should be informed by the development of policy and planning at the department level.

There are many other examples to amplify on the requirement for more strategic, holistic policy and planning approaches, but I'll mention only a couple. Today, RAND is releasing a report on defending our commercial airline fleet against attacks using shoulder-fired missiles. That report concludes that it is currently not cost-effective to spend some tens of billions of dollars equipping America's 6,800 commercial airliners with systems to guard against this threat, but investment could be justified in the future if anti-missile systems are made more economical and reliable. Installing such systems on the nation's fleet of commercial airliners would cost an estimated \$11 billion, with operating costs ramping up to \$2.1 billion annually upon full operational capability, according to the RAND report. Over 20 years, the cost to develop, procure and operate these systems would amount to an estimated \$40 billion. By way of comparison, the federal government currently spends about \$4.4 billion annually on all transportation security. We have sent electronic copies of this new report to the Committee staff in preparation for the hearing and we now ask that the report be included in the record of today's hearing.

I am also frequently asked whether we are doing enough, spending enough, on rail security. The simple answer is that we cannot know without a thorough analysis of many factors.

Better, more comprehensive, more authoritative measures of performance and effectiveness—a valid metrics program for homeland security activities and investments—must be developed and implemented. The primary measure of effectiveness or performance cannot continue to be the level of expenditures on a particular activity. A truly valid metrics program

will include clearly identified targets for specific performance at designated points on timelines or other proven techniques for evaluation the effectiveness of resource expenditure and other criteria. Comprehensive accountability criteria must be established that can be audited and assessed to ensure the most effective use of scarce resources. Once again, not easy tasks but essential ones, and is it here that a new Under Secretariat for Policy and Planning can add great value.

For the structural side of transportation security, on the same rationale expressed above in connection with any proposal to merge CBP and ICE, it is not clear—without much further analysis and debate—that it would necessarily be more effective to eliminate the Border and Transportation Security Under Secretariat and have the “operational” entities report directly to the Secretary through the Deputy. There are important span-of-control considerations. To use a military analogy, such a recommendation is tantamount to suggesting that all Army Divisions engaged in a major military operation should report directly to the most senior commander and that Army Corps headquarters can be eliminated.

By the same token, it is clear that the BTS directorate, if retained, must be appropriately resourced to perform the integration of the operational entities subordinate to that structure.

Emergency Preparedness and Response

Madam Chairman and Members, I will address the emergency preparedness and response management challenges from both a DHS internal and external perspective. Existing structures may not work, and thorough analysis is required to determine if new models are better. Moreover, DHS cannot be like many other federal bureaucracies; it must have tighter geographic links to the “field” for closer coordination with states and localities, and more comprehensive collaborative arrangements with other federal “partners.”

Internally, the Emergency Preparedness and Response (EP&R) Under Secretariat is little more than FEMA with a few extra “front office” personnel. Over the course of its existence, FEMA has had an inconsistent record of effectiveness, engendered, at various times, from leadership issues, resource problems, and other matters.

There may, in fact, be valid constructs that should be considered other than one to eliminate EP&R and consolidate other programs into FEMA. In the post-September 11 environment, with major new initiatives in both preparedness and response-some of which are well outside traditional FEMA missions for disaster response and recovery, it may be useful to do a complete top-to-bottom analysis of FEMA and EP&R juxtaposed with the requirements of this new environment. That analysis could consider, among other things, actual splitting FEMA into two separate parts-one for preparedness functions and one for post-event response functions-as an alternative to collapsing other functions into the existing FEMA. For the same span-of-control issues noted above in the border and transportation security discussions, alternative analyses of EP&R should include its retention and division into separate subordinate entities-one for preparedness and one for response-with the integration of other DHS preparedness and response functions into the respective divisions. There may be other approaches as well, and each should be considered in a thorough analysis.

Now for the external side of emergency preparedness and response: for starters, DHS should move quickly to implement its regional structure. Given the critical importance of closer cooperation with states and localities, and the acknowledged differences in preparedness and response issues based on U.S. geographical diversity, it is time to put some new structure in place even if it needs to be changed later based on actual experience, on lessons learned subsequently. That structure, along with the publication of the National Incident Management

System last year and the recent release of the full National Response Plan, will provide opportunities to test and evaluate various aspects of this structure and identify further refinements and required improvements in many areas, including research and development and future resource allocation.

There are other significant external preparedness and response considerations. RAND has noted in various reports and other research products that there are other needed improvements in the structures and processes for coordination and potential joint operations between DHS and numerous other federal entities as well as states and localities, potentially foreign governments and domestic and foreign private sector organizations.

Let me offer one important example at the federal level: the need for the development of more formal relationships between DHS and the Department of Defense (DoD). First, DoD will likely be called upon again—as it has been on so many occasions for natural disasters and other situations—to provide what is now known as Defense Support to Civil Authorities. We believe more work can be done that will allow DoD to respond more effectively. And DHS should, in coordination with DoD, be responsible for leading that effort. We will call it the Requirements Generation Process. DHS has the responsibility by statute to be the focal point for requests for support that may start at the local level and come up through a Governor to the federal level. DHS needs to create a mechanism in which states, and through them localities, will be required to provide an estimate of required federal support based on a variety of scenarios. That is not a process that DoD should undertake alone, although, in the absence of DHS doing it, that is exactly what is happening to a certain extent. When an incident occurs that may require DoD support to a state or locality, that request for support will not go directly to the Secretary of Defense; it will go to DHS for validation and a determination of appropriate federal support,

perhaps including DoD. How can DHS adequately perform its function for validating support requests from states if it is not involved in the front end of the requirements process?

And there is a flip side to this issue. It is now widely recognized that there are potential “homeland defense” missions, something arguably distinguishable for other homeland security missions, where DoD actually has the “lead” for the federal government. One good example comes from September 11 itself. A fourth hijacked plane was still in the air after the attacks in New York and at the Pentagon, when Air Force fighters were launched in an attempt to intercept. Except for the intervention of passengers on that flight, if that plane had been located, it may well have been shot down. Those on the ground responding to such an incident were and would not be military personnel but civilian local responders. The same could hold true for homeland defense operations in maritime regions, even potentially along land borders or other land areas. Does that not indicate that more thought, discussion, coordination, and planning for “Civil Support to Military Authorities” would be a good idea?

In addition, there continues to be a need for comprehensive debate and decision on the appropriate role of the National Guard in homeland security, homeland defense, and foreign missions. That is, of course, not directly within the scope of this hearing but should, I suggest, be undertaken in more deliberate fashion by the Congress.

Intelligence

No other issue has captured more of center stage in the discussions of homeland security than the acknowledged shortcomings pre-September 11, in the structures, processes, and operations for the collection, analysis, and dissemination of intelligence related to the security of our homeland. Thanks in great measure to the leadership of the Chair and Ranking Member, we now have some legislatively-mandated new structures and processes in place to address those

problems. As all of you well know, there had been legislative proposals to create a national intelligence director (by whatever order of those words) in almost every Congress since 1968—long before the 9-11 Commission recommendation. Nevertheless, as you know, a confluence of events and other factors, including some not insignificant political dynamics, resulted in the passage of that legislation last fall. I hope that the vision you have for that new structure and process will prove to be effective in actual practice.

Clearly DHS needs to *have* intelligence and will to a certain extent develop some intelligence through its own activities, especially in the border and transportation security, to support its operational missions. What is not yet completely clear is what parts of intelligence DHS is expected to obtain for itself and what it receives from others.

Beyond just structure and authority, there are other important considerations. One has to do with what I will call the differences in strategic, operational, and tactical intelligence. Some of us have argued that entities like the Terrorist Threat Integration Center—now becoming the National Counter Terrorism Center (NCTC)—should not be a subordinate of DHS. That entity is in the business of fusing, analyzing, and disseminating intelligence at the “strategic” level for a variety of customers, including DHS, the Department of Justice including the FBI, the Department of State, the Department of Defense, and potentially other federal entities. But that point should not, for a second, be taken to suggest that DHS is not required to have its own robust intelligence capabilities. DHS is a user of NCTC product and develops intelligence information through its own operational entities. It must, therefore, perform fusion, analysis, and dissemination functions that enable effective implementation of its own operational missions and the tactical application of that intelligence at, for example, border points of entry or through distribution to state and local law enforcement or other response agencies.

There is, of course, continuing debate over the extent to which state and local law enforcement should appropriately engage in “intelligence” activities—a significant chorus of voices that suggest that such entities should not be engaged in “spying” on fellow citizens. I believe that no one is suggesting that such activity be forced upon agencies against their will and safeguards exist to preclude that. Nevertheless, many also believe—and I count myself among them—that we have not yet fully taken advantage of the “intelligence”—with a little “i” if you will—that law enforcement agencies obtain every day in the course of ordinary operations that may have some national implications. One need only recall that several of the September 11 hijackers were actually in contact with law enforcement officials for different reasons prior to the attacks. That simple information may not have been enough in itself to alert federal authorities to something amiss but could, when merged with other intelligence or information, identify anomalies for further investigation. The flip side of that discussion is that there are still gaps in the recognition at the federal level of the advantages to be gained from better cooperation with a variety of state and local entities even beyond law enforcement. In passing, I should note that some states and localities have undertaken to establish structures to be more engaged in the process. Notable are the Los Angeles Operational Area Terrorism Early Warning Group (the model of which has now been expanded elsewhere in California), the intelligence and counterterrorism bureaus in the New York City Police Department, and state structures in California, Maryland, Virginia, and elsewhere.

A continuing problem in this area is the determination of what is appropriate and how to share information from the federal level to states and localities and vice versa. There are issues in both the granting of clearances for receiving classified information as well as classification regimes themselves. Entities are struggling to obtain clearances as well as to find ways to pass

information that may not be U.S. national security classified information, in ways alternatively described (though not clearly identified) as “sensitive but unclassified,” “homeland security sensitive,” or “law enforcement sensitive.” It is, in the opinion of some, time to rethink the entire classification process—one perhaps still too embedded in a “Cold War” mentality, to find ways to avoid either the delays in obtaining standard security clearances in the construct of new classification regimes—one that present new and different “tear lines.”

At the risk of lengthening this testimony, I offer discussion on these points and related recommendations contained in the Fifth Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (December 2003):

Organizations want more intelligence information about the terrorist threat, but security clearances are lagging.

The RAND survey [conducted for the Panel in 2003] confirmed that State and local organizations are looking to DHS for dissemination of intelligence information and information about the terrorist threat within their jurisdiction or State, in part to help them in conducting their own risk assessments. . .

However, concern exists among State officials that the number of security clearances allocated may still be too few to account for all their needs.

Based on the foregoing, **we recommend**

- **That the President designate one or more security clearance-granting authorities, which can grant clearances Federal government wide that are recognized by all Federal agencies.** It is incomprehensible that the security clearances of one Federal agency are not recognized by other Federal agencies. . . (B)asic clearances—once granted by a competent authority—should be “portable” to the maximum extent possible.
- **That the President direct the development of a new regime of clearances and classification of intelligence and other information for dissemination to States, localities, and the private sector.** This new regime would remove some of the specific elements that raise the data to a traditional “national security” classification (e.g., sources and methods information) to provide the widest possible distribution to local and State

responders and in a form that conveys meaningful and useful information. Such a process could also prove less expensive and less time-consuming for background investigations and the grant of clearances, as well as more effective in disseminating valuable intelligence.

These and other related intelligence issues are all areas where the Congress will clearly have a continuing role in oversight and authority matters.

Other Management Issues

We also believe that there may also be better ways to rationalize and manage more effectively the personnel, readiness, grantmaking, and research and development programs of DHS. For example, while there are different types of grant programs in DHS, a central body for reviewing the overall grantmaking process across the entire department—one that could ensure that all grant programs are coordinated and implemented in a way that supports national priorities—clearly seems to be warranted. In addition, the promulgation of the National Incident Management System and the National Response Plan are intended, among other things, to provide feedback from federal entities and states and localities that will help to drive future research and development investments. It is not clear that a procedure has been established to accomplish that.

Oversight

The Role of the White House

It is a fact that DHS does not own everything, even at the federal level. The Secretary of Homeland Security has no authority to direct other cabinet officials to do anything nor directly to “command or control” any assets other than those belonging to DHS. Only the President has such authority. With that in mind, the Executive Office of the President—those designated to assist the President in homeland security matters—have important responsibilities to provide continuing strategic guidance and ensure proper coordination of all federal resources through the

development of national strategies and policies. That is not to say that DHS should not be a major contributor to the next National Strategy for Homeland Security—we suggest that a new one is needed—nor that DHS should not develop its own internal strategies for the implementation of its designated mission consistent with overall national strategy and policy. But DHS should not be expected to develop the overall national strategy; that is clearly a function for the White House. Fair criticism or not, the Homeland Security Council staff is frequently seen as being more interested in day-to-day homeland security operations than in engaging in the harder task of developing and refining major strategy and policy approaches for the entire nation. In that vein, it is puzzling that the Homeland Security Advisory Committee was moved from the White House to DHS. Certainly the Secretary could benefit from such an advisory body, but would it not be a good idea for the President and his staff to have one that looks objectively and independently at the broader, more strategic national issues—as is the case with other presidential advisory councils and commissions?

Congress as Part of the Problem

Madam Chair and Members, it is perplexing to me, as one who has been engaged in these and similar issues for some years, that the Congress of the United States has not yet fully achieved a coherent logical process for handling these issues. To many of us who are looking at these issues from the outside, it makes no sense that the Department of Homeland Security does not get its *primary* authorization and oversight from a single committee in each House of Congress. No other cabinet agency—one headed by a presidentially-appointed, senate-confirmed secretary—is subjected to the same treatment. It is my opinion that any argument that a single committee cannot be vested with authority to provide that authorization and oversight, because among other reasons that existing committees of jurisdiction have built up essential

experience over the years that cannot somehow be transferred, is fallacious at best. It is patently unfair to saddle this department, especially one that is new and struggling in many areas, with the requirement to report to multiple congressional masters. Common sense dictates otherwise.

Conceptualizing Homeland Security

One area where the Congress or the White House or both should help is in a more clear articulation of the overall *concept* of homeland security. At the time that the term first started to be used in a significant way nationally—right after September 11—it seemed to some to be a convenient title. Yet, it can be argued that there continues to be a lack of national consensus on the scope of homeland security—at the very least a disconnect between consensus and official doctrine.

For example, we have a National Strategy for Homeland Security, promulgated more than two-and-a-half years ago that defines that term only in the context of combating terrorism—specifically “to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.” Although the Homeland Security Act of 2002 did not attempt directly to define the term, it is clear from the subject matter contained in that statute that the Congress has something in mind that would cause that term to be construed more broadly—to include a full range of natural disasters as well as other potential manmade threats, both accidental and intentionally perpetrated.

Terminology, especially definitions and descriptions that go to the very foundations of major national strategy, is important. Is “homeland security” a subset of national security? Some suggest that it is and should be, but we have neither done a good job of saying either that it is or is not nor of naming structures and processes to make that clear. Is homeland defense a

subset of national security or homeland security? This confusion in terminology leads to confusion in the establishment and execution of roles and missions.

Moreover, there is at least the implication that the Department of Homeland Security is responsible—certainly at the federal level—for all of homeland security. There are numerous others players with major roles in this are: the Departments of State, Justice, Defense, and Health and Human Services for starters—and it doesn't stop there. The existence of DHS has not alleviated the need for intra-agency (within DHS) and federal interagency (between DHS and other federal agencies) as well as intergovernmental coordination. We still need better descriptions and clearer articulation of the roles, missions, and authorities of key stakeholder entities among federal, state, and local governments and with the private sector and the public at large. Unfortunately, we are often slave to history and tradition, culture and bureaucratic boundaries, as we continue to think about shoehorning new missions into old organizational structures, strategies, and processes. Perhaps through specific congressional hearings, or an Executive Branch “summit” that engages all stakeholders, or a combination of the two, an effort should be made to reach a national consensus on what these terms and other terms mean; what are the appropriate roles, missions, and authorities of various entities (including the identification of gaps and overlap in authorities and jurisdiction); and the identification of appropriate measures—legislative, policy or otherwise—that are needed to close gaps and streamline or clarify authorities.

Conclusions

Madam Chair and Members, thank you again for this opportunity. Let me summarize my testimony by suggesting that neither the Congress nor DHS should rush to any judgment about major changes in structure or authority without cautious, deliberate, well-informed,

circumspect—there are other adjectives that apply—debate and consideration. Thorough analysis is required in many areas to inform this policy and decisionmaking process before implementing major change. Clearly, there are some changes that we and others have proposed that rise to the top of the list for consideration in the near term: The creation of a robust policy and planning structure; more holistic approaches in managing risks, the establishment and enforcement, through evaluations and assessments, of a better system of performance metrics. And as noted, both the White House and the Congress have important obligations in providing better strategic guidance and oversight.

Last but by no means least, please continue to consider the fact that the Department of Homeland Security is still relatively new—it has been in existence less than two years. Men and women of good will inside and outside DHS are struggling to make the department work more effectively. DHS has already gone through much turmoil trying to juggle the day-to-day exigencies of threats with the imperatives of merging existing and creating new structures and processes. It will take some time for any major new federal entity—there are instructive historical examples—to operate effectively. It would be well to consider, in that context, the impact of yet more change.

I will, of course, be happy to respond to any questions from the Committee Members.